



OE-xxx
REFINERY EMERGENCY DISRUPTION AND INCIDENT REPORT
INSTRUCTIONS

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PURPOSE

The Department of Energy (DOE), under its relevant authorities, has established mandatory reporting requirements for emergency refinery disruptions and incidents. The Office of Electricity Delivery and Energy Reliability (OE) Form OE-xxx, "REFINERY EMERGENCY DISRUPTION AND INCIDENT REPORT," is used to collect data on emergency refinery disruptions and incidents. DOE collects this information from refineries on Form OE-xxx to meet its overall national security and Federal Emergency Management Agency's National Response Framework responsibilities. DOE requires the data on this form to brief policymakers on the current status regarding emergency situations at U.S. refineries. The data also may be used to develop legislative recommendations, reports to the Congress and as a basis for DOE investigations following severe, prolonged, or repeated refinery reliability problems.

WHO MUST SUBMIT

When an emergency filing condition is met at a petroleum refinery, Form OE-xxx is mandatory pursuant to Section 13(b) of the Federal Energy Administration Act of 1974 (Public Law 93-275) and must be completed by the operator of the refinery, if:

- 1) it has an atmospheric crude distillation capacity of at least 50,000 barrels per day;
- 2) it produces transportation fuels (gasoline, distillate, and jet fuel) or heating oil; and
- 3) it is located in the 50 States, District of Columbia, Puerto Rico, the Virgin Islands, Guam or other U.S. possessions.

WHEN TO SUBMIT

Form OE-xxx is considered an emergency form and is only filed when at least one of the following conditions (on Line 8) is met.

Conditions:

- A) Emergency shutdown of the refinery;
- B) Physical or cyber attack that causes major interruptions or impacts to critical refinery facilities, systems, or operations.
- C) Emergency shutdown of a major unit, process, or system at the refinery that may significantly reduce production of transportation fuels and /or heating oil.

Timing:

Within One Hour: If the local time is between 7:00 AM and 6:00 PM Monday through Friday when a refinery determines that at least one of the three criteria (A-C) for filing has/have been met, then the refinery must submit a completed form within one hour of making that determination.

Within Three Hours: If the local time is NOT between 7:00 AM and 6:00 PM Monday through Friday when a refinery determines that at least one of the three criteria (A-C) for filing has/have been met, then the refinery must submit a completed form within three hours of making that determination

Follow up Reports: No follow up reports are required, but they are encouraged if a respondent realizes information submitted on a filing was incorrect or has changed significantly. Another report may be filed at any time, when mistakes or significant changes are discovered, to correct the record. OE may contact the respondent if additional information on the impact of the disruption and/or incident is required.

HOW TO SUBMIT

Instructions on how to report via e-mail, facsimile, or telephone are printed on Form OE-xxx.

E-mail: Submit your form via e-mail as an attachment to doehqec@hq.doe.gov. This is the preferred delivery method.

Fax: You may fax the form to the following facsimile number: 202-586-8485. (Please use this method only if e-mail is not available.)

Telephone: If you are unable to e-mail or fax the form, please call and report the information to the following telephone number: (202) 586-8100.

COPIES OF SURVEY FORMS AND INSTRUCTIONS

Copies in portable document format (PDF) and word format (DOC) are available on OE's website. You may access the materials by following the steps:

- Go to OE's website at www.oe.netl.doe.gov
- Click on *Refinery Emergency Disruption and Incident Report*
- Click on the hypertext link for the Form or for the Instructions.

General Instructions

[Definitions](#) of petroleum products and other terms are available on the EIA website. Refer to the above for details on accessing the EIA website. Please refer to these definitions before completing the survey form.

Transportation Fuels referred to on the OE-xxx form are defined as gasoline, gasoline blending stocks, gasoline blending components, on-highway diesel fuel (low sulfur diesel and ultra-low sulfur diesel), and kerosene-based jet fuel. Heating oil is defined as high sulfur No. 2 distillate (that is over 500 ppm of sulfur.)

If a form must be submitted, because one of the conditions (A-C) for filing has been met:

- Completely fill out all parts of the form, lines 1-15.
- Submit the completed form to DOE via e-mail, fax or a phone call.

SPECIFIC INSTRUCTIONS

1. Organization Name

Enter name of the reporting company.

2. Address of Principal Business Office

Enter Address of Principal Business Office of the reporting company.

3. Refinery Geographic Location

Enter name of City where refinery is located in City box and name of State where refinery is located in State box.

4. EIA Refinery ID

Enter the Refinery ID issued by the Energy Information Administration (EIA) and used when filing EIA survey forms such as EIA-810.

5. Name

Enter the name of the person to contact if OE needs to follow up.

6. Title

Enter the contact person's Title.

7. Telephone Number

Enter the contact person's telephone number.

8. Backup Telephone Number

Enter the contact person's backup telephone number or the number for the backup person.

9. FAX Number

Enter the contact person's FAX number.

10. E-mail Address

Enter the contact person's E-mail address.

11. Date/Time Disruption or Incident Began

Enter the date and time, including hours and minutes when the

incident began or an estimate of when it began.

12. Is the Disruption or Incident Still Ongoing?

Check "Yes" if it is still ongoing and "No" if the event that caused the disruption or incident is over. If the incident has ended, even though restoration and repairs are underway and may take some time, the correct response is to check **No**.

13. Date/Time Disruption or Incident Ended

Enter the date and time that the disturbance or incident ended.

14. CONDITIONS FOR FILING DISRUPTION AND INCIDENT DATA

An OE-xxx form must be filed within one hour [by a refinery with capacity of 50,000 barrels/per day or more that produces transportation fuels (gasoline, distillate, and jet fuel) or heating oil and is located in the 50 States and U.S. territories], **if any one of the following three conditions is met:**

A. Emergency shutdown of the refinery;

B. Physical or cyber attack that causes major interruptions or impacts to critical facilities, systems, or operations.

C. Emergency shutdown of a major unit, process, or system at the refinery that may significantly reduce production of transportation fuels and /or heating oil.

Condition A:

An emergency shutdown includes the start of an orderly shutdown of the refinery in the advance of an anticipated event, such as a hurricane. **The shutdown of the refinery for planned or scheduled turnarounds should not be reported.**

Condition B:

The form must be filed whenever:

- 1) Any physical or cyber attack causes major interruptions or impacts to critical facilities, systems, or operations;
- 2) Any physical or cyber attack results in an interruption in the production of transportation fuels or heating oil; and
- 3) Any physical or cyber attack successfully circumvents a major security system, unless the attack is simply vandalism. The breach of a fence, the cutting of a lock, the disabling of a security camera, and graffiti do not by themselves constitute a requirement for filing a form. Routine and unsuccessful cyber attacks also do not require filing of a form at this time. Only attacks that successfully compromise critical facilities, systems or operations are reportable. DOE may change this threshold, and may require reports on major unsuccessful attacks in the future, if it appears that probing attacks are on the rise and may indicate plans for significant future attacks on U.S. refineries. DOE will immediately inform all potential respondents, if there are any changes to reporting requirements or security thresholds for filing. .

Condition C:

A form must be filed whenever:

Any unit, process, or system shutdowns or disruptions that the refinery estimates may result in a significant reduction of the production of transportation fuels or heating oil at the refinery.

Air emissions and/or flaring should not by themselves result in a filing of a disruption and incident form under Condition C.

Examples of major units include atmospheric distillation, catalytic cracking units, catalytic reformers, hydrocrackers, cokers; Examples of processes included hydrotreating, hydrogen production, and sulfur recovery;

Examples of systems include power, water, and controls including SCADA.

Criteria for Significant Reduction (in the production of transportation fuels and/or heating oil)

If the refinery estimates that the shutdown or disruption may result in the loss of two days or more of current production of gasoline, gasoline blending stocks, gasoline components, kerosene-based jet fuel, on-highway diesel fuel, or heating oil.

Do not factor in exchange agreements or drawdowns of inventories to make up for lost production.

If the refinery or a unit was planning to be down for maintenance, then do not include those planned losses in any calculation of estimated lost production

15. Type of Disruption or Incident

Several possible types of disruptions or incidents are listed on line 15. Check all boxes of known or suspected types that may apply. If you are unable to classify the incident at the time of the report, check the "Cause Not Yet Determined at this Time" box.

PROVISIONS REGARDING CONFIDENTIALITY OF INFORMATION

All information for questions 5 through 10 on the form will be protected and will not be disclosed to the public to the extent that it satisfies the criteria for exemption under the Freedom of Information Act (FOIA), 5 U.S.C. §552, the DOE regulations, 10 C.F.R. §1004.11, implementing the FOIA, and the Trade Secrets Act, 18 U.S.C. §1905. The DOE will protect the information in accordance with its confidentiality and security policies and procedures. The Federal Energy Administration Act requires the DOE to provide company-specific protected data to other Federal agencies when requested for official use. The information reported on this form may also be made available, upon request, to another component of DOE; to any Committee of Congress, the General Accounting Office, or other Federal agencies authorized by law to receive such information. A court of competent jurisdiction may obtain this information in response to an order.

The data collected on Form OE-xxx, Refinery Emergency Disruption and Incident Report will be used by DOE to meet its overall national security and energy emergency response responsibilities.

SANCTIONS

The timely submission of Form OE-xxx by those required to report is mandatory under Section 13(b) of the Federal Energy Administration Act of 1974 (Public Law 93-275), as amended. Failure to respond may result in a civil penalty of not more than \$2,750 each day for each violation, or a fine of not more than \$5,000 for each willful violation. The government may bring a

civil action to prohibit reporting violations which may result in a temporary restraining order or a preliminary or permanent injunction without bond. In such civil action, the court may also issue mandatory injunctions commanding any person to comply with these reporting requirements.

FILING FORMS WITH THE FEDERAL GOVERNMENT AND ESTIMATED REPORTING BURDEN

Respondents are not required to file or reply to any Federal collection of information unless it has a valid OMB control number. Public reporting burden for this collection of information is estimated to average 6 to 10 minutes. This includes time for reviewing the form and instructions, gathering information, and submitting the form during an emergency situation. Send comments regarding this burden estimate or any other aspect of this collection of information including suggestions for reducing this burden to: Office of Electricity Delivery and Energy Reliability, OE-30, Infrastructure Security and Energy Restoration Division, 1000 Independence Avenue, S.W., Washington, D.C. 20585; and to the Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, D.C. 20503.

QUESTIONS

If you have any questions about Form OE-xxx after reading the instructions, please contact the Survey Manager at (202) 586-9600.